

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

CARLOS IVÁN VELÁZQUEZ DE JESÚS,
et al.,

Plaintiffs,

v.

BANCO POPULAR DE PUERTO RICO, et
al.,

Defendants.

Civil No. 07-1393 (ADC)

ORDER

Plaintiffs, Carlos Iván Velázquez-De-Jesús, Glorily Barroso-Muñoz, Gian Carlos Velázquez-Barroso, Gloriana Velázquez-Barroso, Ubaldo Velázquez-Rivera (“plaintiffs”), filed a complaint seeking money damages for violations of civil rights under the Constitution and laws of the United States pursuant to 42 U.S.C. § 1983 as well as state law tort claims. **Docket No. 3.** While the original complaint was filed against Banco Popular de Puerto Rico, Angelo Vidot, Sergeant Leslie Zeno-Santiago, Sergeant Torres, Officer Ramos and two other Doe defendants, only Leslie Zeno-Santiago (“defendant”) remains. **Docket Nos. 22, 42, 43, 49, 98.**

On August 7, 2009, defendant filed a motion for summary judgment. **Docket No. 92.** On September 3, 2009, defendant filed certified translations of exhibits submitted in Spanish. **Docket No. 103.**

Pending before the court is the Magistrate-Judge’s unopposed Report and Recommendation (“R & R”), issued on September 8, 2009, which recommended granting defendant’s motion for summary judgment thereby dismissing the case in its entirety (“summary judgment R & R”). **Docket No. 105.** After reviewing the summary judgment R & R, the court adopts the same, in full, and grants defendant’s motion for summary judgment.

I. Standard of Review

A district court may refer pending motions to a magistrate-judge for a report and recommendation. *See* 28 U.S.C. § 636(b)(1)(B); Fed. R. Civ. P. 72(b); Loc. Cv. R. 72(a). Any party adversely affected by the recommendation issued may file written objections within ten

(10) days of being served with the report and recommendation. *See* 28 U.S.C. § 636(b)(1). A party that files a timely objection is entitled to a *de novo* determination of “those portions of the report or specified proposed findings or recommendations to which specific objection is made.” *Sylva v. Culebra Dive Shop*, 389 F. Supp. 2d 189, 191-92 (D.P.R. 2005) (citing *United States v. Raddatz*, 447 U.S. 667, 673 (1980)).

“Absent objection, ... [a] district court ha[s] a right to assume that [the affected party] agree[s] to the magistrate’s recommendation.” *López- Mulero v. Vélez-Colón*, 490 F. Supp. 2d 214, 217 -218 (D.P.R. 2007) (citing *Templeman v. Chris Craft Corp.*, 770 F.2d 245, 247 (1st Cir. 1985), *cert. denied*, 474 U.S. 1021 (1985). Moreover, in conducting its review of an unopposed R & R, the court “needs only [to] satisfy itself by ascertaining that there is no ‘ plain error’ on the face of the record.” *López-Mulero*, 490 F. Supp. 2d at 218.

II. Conclusion

After careful consideration of the unopposed summary judgment the R & R and the record, the court hereby **ADOPTS** the R & R in full.¹ **Docket No. 105.** Accordingly, defendant’s motion for summary judgment (**Docket No. 92**) is **GRANTED** and the present case is **DISMISSED WITH PREJUDICE**.

Accordingly, defendant’s “Motion Requesting Report and Recommendation Entered at Docket No. 105 be Granted as Unopposed” at **Docket No. 108** is **GRANTED**.

The Clerk of Court will proceed to enter judgment accordingly.

SO ORDERED.

At San Juan, Puerto Rico, on this 19th day of October, 2009.

S/AIDA M. DELGADO-COLÓN
United States District Judge

¹ Also before this court is the unopposed Report and Recommendation granting the Motion to Dismiss/Lack of Prosecution Pursuant to Fed. R. Civ. P. 41(b) and Failure to Comply with Discovery Pursuant to Fed. Civ. P. 37(b)(2)(c) as to Leslie Zeno-Santiago (“motion to dismiss R&R”). **Docket No. 106.** After careful consideration of the R&R, the court hereby also adopts the same in full.